



2020 EXCEL TRAINING CONFERENCE (VIRTUAL) (*EX*amining *C*onflicts in *E*mployment *L*aw)

WORKSHOP SESSIONS AGENDA

The EXCEL Training (Virtual) Conference is where Equal Employment Opportunity (EEO), Human Resources (HR) and Alternative Dispute Resolution (ADR) practitioners from private, state & local and federal organizations gather for three days of outstanding education, training and professional development. Over twenty-five (25) workshops are offered to give participants the knowledge and skills to enhance their performance and meet the evolving demands of today's workplace.

Participants are asked to select one open workshop from each of the three workshop sessions listed for Tuesday through Thursday. An audience designation is listed at the end of each workshop description to assist participants in selecting the most appropriate session. The designations are: F – federal audience, P – private audience and F/P – both federal and private audiences. These designations are suggestions. Participants are encouraged to explore the available workshops and make selections based on their interests.

Eastern Time (EDT/EST) is the local time zone observed.

TUESDAY, AUGUST 4, 2020

OPENING PLENARY SESSION 10:30 AM - 11:30 AM

BREAK 11:30 AM – 11:45 AM

WORKSHOP SESSION I: 11:45 AM – 12:45 PM

A. Gender Authenticity

(Vanessa Sheridan)

This engaging, informative presentation focuses on the breakthrough concept of gender authenticity as a method for enhancing/improving workplace culture. The presenter will provide insights into the significance of personal authenticity. Information will also be shared about the benefits of transgender inclusion that create a competitive advantage for today's organizations. (F/P)

B. Putting Money Where Our Mouth Is: Speaking to Inefficient Discrimination

(Dr. Frederick W. Gooding, Jr.)

The “American Dream” is an indelible part of our socio-economic landscape – the idea that one can work and enjoy the fruits of their labor without apology endures still. However, this theory can often fall short in practice. Organizations struggle with data suggesting a disproportionate number of nonwhite employees suffer from slower raises and lower wages while performing the same jobs as their white colleagues. Through a logic-based, “scientific method” approach, discover how many well-intentioned policies reveal how most of us suffer from a lack of experience, exposure and education when it comes to matters of diversity, equity and inclusion. Learn a new approach to an old problem that still requires an effective solution.

C. Report of Investigation: Beyond Adequacy

(Sharon Alexander & Gazal Modhera)

The consequences of inadequate development of the evidentiary record can be steep - remands for supplemental investigations, sanctions, or even findings against the Agency based on adverse inferences. Conversely, the benefits of a well-developed, well-organized report of investigation are great and make for more efficient adjudication. This panel presentation, from hearings to appellate to the final agency action, will discuss how to build a well-developed record. (F)

LUNCH: 12:45 PM – 1:30 PM

WORKSHOP SESSION II: 1:30 PM – 2:30 PM

A. COVID & ADA Issues

(Sharon Rennert)

B. Conquering Conceptual Resistance

(Stephen Paskoff)

Most employers use values and compliance training to help drive behavioral change. Too often, in one-way lectures and online deliveries, the message is this: “Here’s what you must do and here is why.”

The assumption is that is enough. The flaw in this type of training is that it fails to effectively address implicit conceptual resistance. In this session, participants will learn what’s needed to overcome implicit resistance of new standards that are vital to changing a workplace climate and culture. (F/P)

C. Practical Approaches to Resolution through ADR

(Victor Voloshin)

This informative session will provide an overview of the ADR techniques and models used to resolve EEO disputes, including a comparison of facilitative, evaluative and transformative forms of mediation. Participants will engage in a dynamic discussion of practical strategies and approaches to address common obstacles to settling discrimination complaints and charges. (F/P)

BREAK 2:30 PM – 2:45 PM

WORKSHOP SESSION III: 2:45 PM – 3:45 PM

A. Civility in the Workplace: Taming the Bully

(Thomas Colclough & Carlisa Broadway)

How do you deal with the office bully? During this session, the presenters will discuss the importance of creating civil work environments and how and when to address toxic and divisive behavior in the workplace. Trainers will provide case studies along with tips and tools to empower participants to effect positive change in their work environments and working relationships. (F/P)

B. Appearance Discrimination: Eye of the Beholder

(Debra Finney & Travis Nicholson)

Appearance discrimination is discrimination based on an individual's physical appearance. This issue is gaining momentum with the growing trend toward the acceptance of physical expression. This session will explore the various laws that protect an individual if appearance discrimination can be linked to the individual's protected class. Discover how an employer's personal appearance standards should be framed with an eye toward how these standards could be viewed under the laws EEOC enforces. (P)

C. Successful Interview Techniques for Victims of Trauma

(Mary J. O'Neill & Dr. Brady Wilson)

As a human resource professional, you interact with employees, applicants and witnesses who may have experienced trauma. This session will give you some valuable insight about trauma victims, how they view themselves and the best ways in which to empower them. Participants will learn how to avoid victim re-traumatization, increase the safety of all, and ensure the compassionate and sensitive delivery of services in a nonjudgmental way. (F/P)

WEDNESDAY – AUGUST 5, 2020

MORNING CONVENING 10:15 AM – 10:30 AM

WORKSHOP SESSION IV: 10:30 AM – 11:30 AM

A. Microaggressions in the Workplace

(Dr. MarTeze Hammonds)

This interactive training session is designed to increase awareness, knowledge, skills and actions of each participant in the areas of diversity, equity, inclusion and microaggressions. This session will identify the basics of diversity, inclusion, microaggression, stereotypes, bias, culture and equality vs. equity. Best practices for addressing complex cultural differences will be identified as participants are challenged to self-evaluate to understand the greater meaning of diversity and inclusion. (F/P)

B. Hot Topics and Emerging Issues in Workplace Accommodation

(Shantel Walker)

The Americans with Disabilities Act (ADA) turned 30 years old this year! As the law related to workplace accommodation continues to evolve, employers can avoid liability and foster an inclusive workplace by remaining abreast of the emerging issues in ADA law. Covering everything from emotional support animals to opioid abuse and Ebola, this presentation will give EEO professionals the information they need to support their employees when novel issues arise. (F/P)

C. From Conflict to Collaboration

(Virginia Andreu)

Agencies still have questions -- particularly about their authority and responsibility to avoid conflicts of interest. In recognition of these lingering questions, this session is dedicated to addressing MD-110's guidance on conflicts of interest, real and perceived, including the role of agency counsel and processing issues that arise when the alleged responsible management official is the agency head or an EEO manager. (F)

BREAK 11:30 AM – 11:45 AM

WORKSHOP SESSION V: 11:45 AM – 12:45 PM

A. When Key Leaders are the Problem and What to Do About It

(Tucker Miller)

Abusive bullies, powerful big shots, and passive bystanders – any of these, and most certainly all – can have a detrimental effect on mission success. Tremendous organizational harm may be inflicted and both the legal and reputational risks increase with these types of behaviors. This interactive session will address how to mitigate damage associated with workforce passivity, leaders' flagrant rule-breaking, and persistent abusive treatment of others. New approaches for preventing such misbehavior and for effectively engaging bystanders to help correct behaviors will be provided. (P/F)

B. How Bias Can Impact Mediation

(Jennifer Ortiz Prather & Julie Bretz)

We all know that unconscious or implicit bias pervades our thoughts and actions in an endless range of settings. The mediation of workplace discrimination cases presents the perfect laboratory to examine the role that implicit bias plays in our interactions. This session will provide real-life examples of how bias affects communications and negotiations at mediations in the context of #Me Too/Harassment, LGBTQ, ADA, and national origin discrimination and explore strategies to neutralize the impact of bias on mediations. Conversational table-talk and audience polling devices will ensure that this is a lively discussion with practical take-aways relevant to your mediation practice. (P/F)

C. Age Discrimination Trends

(Michael Rojas & Electra Yourke)

Today's older workers and the workforce itself is dramatically different than it was when the Age Discrimination in Employment Act became law, yet myths, stereotypes and discrimination against older workers persist. This session explores the trends in age discrimination claims and dissects significant age discrimination cases. (P)

LUNCH: 12:45 PM – 1:30 PM

WORKSHOP SESSION VI: 1:30 PM – 2:30 PM

A. What Does Gender Have to do With It?

(Molly Powell)

He/Him/His? This session will focus on developing the skills and vocabulary to work effectively and respectfully with transgender and gender non-conforming employees in the workplace. Participants will be provided with practical suggestions for providing employee training, navigating gender transition in the workplace, understanding when a legal name versus a preferred name should be used on official documentation and developing familiarity with the variety of pronouns used by the transgender and gender non-conforming communities. (F/P)

B. Beyond the Tip of the Iceberg: Organizational Analysis to Diagnose, Analyze and Solve Workplace Problems

(Dr. Ashley Alteri)

Organizations often suffer because they incorrectly diagnose workplace problems, apply popular solutions or “quick fixes” to complicated issues, and do not listen to the people working for them. While the type of complaints may be similar across organizations, the people involved, and organizational cultures are different and the solution to each organization’s problem must also be different. Participants will learn how to apply a seven-step method of organizational analysis to both understand the issues within their organization, determine the underlying cause of these issues, and develop data-driven solutions to workplace issues. (F/P)

C. ETHICS: Taking the High Road: Responding to Incivility in the Practice of Law

(Diane Smason & Justin Mulaire)

The practice of law has always been contentious by nature, but there is general agreement that it has become more uncivil in recent years. Why is that, how should we respond to uncivil behavior, and what can we do to make the practice of law civil again? Join a discussion of the relevant rules of professional conduct, the role of lawyers in our society, the consequences of incivility, and possible solutions. (F/P)
May run up to 2 hours to qualify for CLE credits.

BREAK 2:30 PM – 2:45 PM

WORKSHOP SESSION VII: 2:45 PM – 3:45 PM

HOT TOPICS DISCUSSION FORUMS

Three facilitator led discussion groups covering pressing issues in EEO and civil rights.

THURSDAY – AUGUST 6, 2020

MORNING CONVENING 10:15 AM – 10:30 AM

WORKSHOP SESSION VIII: 10:30 AM – 11:30 AM

A. Legal Update 2020

(Carol Miaskoff)

EEO law is dynamic, multi-faceted and developing as the courts interpret and apply the law to a rapidly changing workplace. Employers must remain vigilant and aware of the significant EEO court cases decided this year. Hear from the EEOC about the latest cases, precedent-setting decisions, and their implications for employers. (P)

B. New Initiatives for Hearings

(Justin Evans & Richard Peterson)

The roadmap for the federal sector hearings program has changed - new processes and new requirements. This panel of Supervisory Administrative Judges will discuss the new initiatives that have been incorporated into the hearings case management. (F)

C. Texting, Sexting and Other Online Nonsense

(Karen Michael)

Join us for a high energy and exciting topic that has found its way in the workplace. Using interactive technology and case studies, the presenter will examine current-day issues in social media and other electronic communications and how they impact the workplace, including hiring, employee rants, harassment and cyberbullying. The discussion will examine whether the First Amendment or the National Labor Relations Act will be implicated in the employer's decision-making. (F/P)

BREAK 11:30 AM – 11:45 AM

WORKSHOP SESSION IX: 11:45 AM – 12:45 PM

A. Connecting Employer Practices to Disability Outcomes

(Sarah von Schrader, Karen Brummond, Leslie Shaw & Adrienne Colella)

There is a pervasive need for practical information on “what works” in promoting diversity practices in both the federal and private sectors. In this session, we discuss which diversity practices have the greatest impact on outcomes like hiring, promotions, occupational segregation, and disability-related complaints. We evaluate how experiences and attitudinal outcomes, differ among groups that vary by disability status. We then discuss how agency practices relate to these outcomes. Finally, we share qualitative findings from focus groups engaging federal employees and employers. This session will bridge the research to practice gap by offering practical recommendations. (F/P)

B. Federal Sector Case Updates

(Elyssa Santos-Abrams)

You've been busy over the last year, and so has the EEOC. Join Office of Federal Operations senior attorney and perennial audience favorite Elyssa Santos-Abrams for a lively and engaging discussion of the latest developments in EEOC case law, including emerging issues in the federal sector. This session will feature a different selection of cases from those discussed in Federal Sector Case Updates Part II. (F)

C. Unconscious Bias

(Dexter Brooks)

Implicit associations (unconscious biases) are created and reinforced by our environments and experiences. Our mind is constantly processing information, often times without our conscious awareness. When we are moving fast or lack all the data, our unconscious biases fill in the gaps, influencing everything from where we eat to our interactions with coworkers. During this interactive presentation, we will explore how implicit associations potentially affect the workplace and our reactions to situations. We encourage you to participate in Project Implicit before the presentation though not required. <https://implicit.harvard.edu/implicit/> (F/P)

LUNCH: 12:45 PM – 1:30 PM

WORKSHOP SESSION X: 1:30 PM – 2:30 PM

A. Race & Color Discrimination Issues

(Charles E. Walker, Jr., Esq.)

Race and Color are often used interchangeably, but they are different. Racism and Colorism are entwined, yet distinctly different. This session will focus on what defines race and/or color, explore race and color cases and provide practical tips on preventing race and/or color discrimination. (P/F)

B. Interviewing Techniques for Federal Counselors and Investigators

(Camella Woodham)

In this session for investigators and counselors, experienced EEO professionals will guide you on how to ask the right questions to develop a complete and impartial record. This course will delve into the legal theories behind complainants' claims of discrimination and how to use those theories to develop thorough requests for information. At the end of this session, attendees will have guides for developing questions during the informal and formal process. (F)

C. Teenagers, Young Adults & Interns May Be Your Most Vulnerable Workers

(Debra Finney & Krista Watson)

This session will take an in depth look at some of the hundreds of cases filed by EEOC on behalf of young employees and employees who are new to the workplace. Some commonalities are identified in these cases from the victims to the harassers. In this session you will learn more about how to identify potential abusive situations and how to prevent it from happening. (P/F)

BREAK 2:30 PM – 2:45 PM

WORKSHOP SESSION XI: 2:45 PM – 3:45 PM

HOT TOPICS DISCUSSION FORUMS

Three facilitator led discussion groups covering pressing issues in EEO and civil rights.